

REMARKS

The claims have been amended so as to place them in American form. The amendments, however, relate only to form, not merit.

Reconsideration is respectfully requested, for the rejection of the claims as anticipated by or unpatentable over CHEN et al. 6,492,574.

It is not accurate to say that CHEN discloses a layer that is split into a first leg and a second leg with a gap between the legs and wherein an angle  $\alpha$  is defined between the first leg and the second leg. Instead, CHEN discloses a layer with an opening in the mid-section and not a split rear portion. The layer is thus not split into two legs with an angle between the legs, as required by claim 1.

The elastic member according to CHEN comprises a central rising member comprising a sheet of material that is folded or wrapped to have a three-dimensional feature with sides pressing against the layer such that a hump is created together with a void under the layer, in connection with the rising member. The present invention teaches an elastic thread or band between the two legs forming the article and not as in CHEN a rising member forming the article upon acting as a spring.

From Figure 26 it is apparent that CHEN does not disclose a split rear portion and from Figures 5 and 7A-7F it is

apparent that CHEN does not disclose an elastic member that contracts but to the contrary acts as a spring.

As the claims now in the case bring out these distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

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